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18 **Attorney for Plaintiff**
19 **SWAMI SHRADDHANANDA SARASWATI**

20 * *Defendant City of Berkeley and its respective counsel listed after the caption.*

21
22 SWAMI SHRADDHANANDA
23 SARASWATI, an individual,

24 Plaintiff,

25 v.

26 CITY OF BERKELEY, CITY OF
27 ALBANY, PACIFIC GAS & ELECTRIC
28 COMPANY, a California registered
domestic stock corporation, FRANK L.
YEE, MAY L. YEE, and DOES 1-100,
Inclusive,

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30 CASE NO. 3:17-cv-04940-MMC
31 Civil Rights

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33 **STIPULATION AND [PROPOSED] ORDER**
34 **TO DISMISS CITY OF BERKELEY;**
35 **ORDER THEREON**

36
37 Farimah F. Brown, City Attorney, SBN 201227
38 Natalie Torres, Deputy City Attorney, SBN 283571
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46 **Attorneys for Defendant**
47 **CITY OF BERKELEY**

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5 **Attorneys for Defendant**
6 **CITY OF BERKELEY**

7 **STIPULATION**

8 IT IS HEREBY STIPULATED by and between the parties to this action through their
9 designated counsel that ONLY Defendant CITY OF BERKELEY shall be dismissed without
10 prejudice from the above-entitled action pursuant to FRCP 41(a)(1)(A)(ii) with each party to bear
11 their own attorneys' fees, costs and litigation expenses. This stipulation does not affect Plaintiff's
12 claims against any other defendant in this action.

13 **IT IS SO STIPULATED.**

14 Dated: July 25, 2018 DERBY, McGUINNESS & GOLDSMITH, LLP

15 By: /s/ Steven L. Derby
16 STEVEN L. DERBY, ESQ.
17 Attorneys for Plaintiff
18 SWAMI SHRADDHANANDA SARASWATI

19 Dated: July 25, 2018 BERKELEY CITY ATTORNEY'S OFFICE

20 By: /s/ Kristy Van Herick
21 KRISTY VAN HERICK, ESQ.
22 Attorneys for Defendant
23 CITY OF BERKELEY

24 Dated: July 25, 2018 ORBACH HUFF SUAREZ & HENDERSON LLP

25 By: /s/ Kevin E. Gilbert
26 KEVIN GILBERT, ESQ.
27 Attorneys for Defendant
28 CITY OF BERKELEY

[PROPOSED] ORDER

of Plaintiff's

At request of Plaintiff, all claims against Defendant CITY OF BERKELEY are dismissed

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without prejudice with each party to bear their own attorneys' fees, costs and litigation expenses.

This does not affect Plaintiff's claims against the remaining defendants, nor does it affect any defendant's cross-claims against City of Berkeley.

Dated: August 3 , 2018

Maxine M. Chesney
Honorable Maxine M. Chesney
Senior U.S. District Court Judge